

THE WEEKLY PORTFOLIO

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THE UNION—IT MUST BE PRESERVED.

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DEBATE BETWEEN DOUGLAS AND SEWARD.

DOUGLAS TRIUMPHANT!

When Douglas first encountered Seward, the great gun of Fusionism, on the night of the passage of the Nebraska Bill in the Senate, it was universally conceded that this hitherto unconquerable Goliath of the opposition was effectually vanquished, "routed, horse, foot and dragon." It was his first public failure in a forensic fight, and the result was attributed more to his "want of condition," as the pugilists say, than to any real superiority in the "Little Giant." On that night will be remembered that as often as the New York Senator essayed to speak he was so effectually silenced by the Senator from Illinois, that before the debate was closed he rose, took his hat, and in sudden silence walked out of the Senate Chamber, the Senator from Illinois suspending his speech and an awful stillness reigned during the performance. When the retiring Senator reached the lobby, several went up to the gallery, which it took several minutes for the Speaker's hammer to still.

The next passage of arms between these two gentlemen came off in the Senate a few days since, on the occasion of Douglas's reply to Collamer's speech made in support of the Minority Report on Kansas affairs.

We publish the account as taken down by the official Reporters of the Senate. Like Henry Clay's mouth, it will speak for itself. If ever a political combatant was annihilated by his opponent, his positions swept away and himself blown out of existence, it was Senator Seward on this occasion as his debate will show. We copy only the close of the speech where Mr. S. was brought forward upon the forum:

"Mr. President, I have a few words to say to the Senator from New York [Mr. Seward] before I close my remarks. On the day I presented to the Senate the report of the Committee on Territories, and immediately after the minority report was read at the Secretary's desk, he rose and volunteered the pledge that he would make good every position affirmed by it. As he has the floor for the next speech upon this question, he will be expected to redeem his pledge, or acknowledge his inability to do so. One of these positions is, that the 'experiment' of allowing the people to settle the slavery question for themselves in territories preparatory to their admission into the Union, was introduced into our legislation for the first time in the history of this republic in the Kansas Nebraska act; and that, if violence resulted from this experiment as a natural, and perhaps unavoidable, consequence, it was the 'vice of a mistaken law.' I call on the Senator from New York to sustain the truth of this allegation. I desire him to answer specifically whether the compromise measures of 1850 did not leave the people of New Mexico and Utah perfectly free to decide the slavery question for themselves, and guaranty their admission into the Union with or without slavery, as their constitution should provide at the time of admission? I ask him if he did not oppose the bills for the organization of those Territories at that time, for the reason that they did not contain the Wilmot proviso prohibiting slavery, and for the reason that they did not contain the guarantee that they should be admitted with or without slavery, as they should decide for themselves? When he answers this question, I would like to have him explain at the same time whether he did not stand pledged, in 1852, to sustain the high Baltimore platform, and to support General Scott, standing on that platform 'with the resolutions annexed,' to use his emphatic language; and whether those resolutions did not bind General Scott and the party supporting him, to carry out in good faith the compromise measure of 1850 'in substance and in principle?' I desire a direct answer on these points, in order that the Senate may judge how far he redeems his pledge to make good the positions of the minority report. I would like to have him explain the difference between the 'experiment' of the compromise measures of 1850 and of the Kansas-Nebraska act of 1854, in allowing the people to decide the slavery question for themselves, and whether that question in each case was equally the 'vice of a mistaken law?' If he shall answer that he did regard both measures in the same light, I should be gratified if he will explain how it was that he united with the whig party, in 1852, to sustain the 'vice of that mistaken law,' and now calls upon all the odds and ends, fragments and portions of parties and aims, to merge all differences on other points, and form a fusion with him on the isolated point of eradicating this 'vice of a mistaken law' in the name of freedom and humanity?—While he is portraying the beauties of negro freedom and equality, and demonstrating the propriety of sacrificing the political and constitutional rights of 20,000,000 of white people for the benefit of 3,000,000 of negroes, I would be glad if he would point out the advantages which the negro will derive from the admission of Kansas with the Topeka constitution. That constitution provides that as long as Kansas shall be a State, as long as water runs and grass grows, no negro, free or slave, shall ever live or breathe under that constitution.

The Senator from Vermont attempts to ridicule the Nebraska Bill because it contains a provision declaring the constitution of the United States to be in force in the Territory. He desires to know who ever doubted that such would be the case with-

out that provision? Who was ever silly enough to suppose that the constitution could be extended by law over a Territory which it did not reach without such a law? I will answer this question. I will tell him the man. It was no less a person than Daniel Webster—New England's great Statesman, whom she delighted to call the great expounder of the constitution. Senators who were then members of this body have not forgotten, and will not soon forget, the debate between Mr. Webster and Mr. Calhoun upon this very point, in which the former contended that the Constitution of the United States did not extend over Territories without an act of Congress to that effect; while, on the other hand, the great Carolina insisted that the constitution was co-extensive with the limits and covered all the Territories pertaining to the republic. Without endorsing the peculiar opinions of Mr. Webster on this point, Mr. Clay did not hesitate in deference to them, to adopt in the Compromise of 1850, the identical provisions which the Senator from Vermont now attempts to ridicule, under the supposition that I introduced it into the Nebraska act for the first time in our legislation. I copied the provision from the compromise measures of 1850 for the same reasons which induce Mr. Clay to adopt it, although it is but fair to say that I never did concur in the opinion of Mr. Webster that the Constitution did not apply to the Territories without an act of Congress carrying it there.

Mr. SEWARD. Does the Senator wish me to answer now?

Mr. DOUGLAS. Yes, Sir.

Mr. SEWARD. Then, my answer is, that such being the constitution, he is wrong in his premises that I am desirous to admit the State of Kansas for the benefit of the negro. It must be for the benefit of the white man.

Mr. DOUGLAS. Am I to understand the Senator that he has abandoned the cause of the negro upon the ground that his freedom and equality are inconsistent with the rights of the white man? What has become of his professions of sympathy for the poor negro? What are we to think of the sincerity of his professions upon this subject?

Mr. SEWARD. That is another thing. Mr. DOUGLAS. This is the very thing. If all other considerations are to be made to yield to the paramount object of prohibiting slavery in Kansas upon the ground that the inequality which it imposes is unjust to the negro, will that injustice be removed by adopting a constitution which in effect declares that the negro, whether free or slave, shall never tread the soil, nor drink the water, nor breathe the air of Kansas? The Senator from New York admits that the constitution with which he proposes by his bill to admit Kansas, contains such a provision. Under the code of laws enacted by the territorial legislature of Kansas, which the Senator, in common with his party, professes to consider monstrous and barbarous, a negro may go to Kansas and be protected in all his rights so long as he obeys the laws of the land. In order to get rid of those laws the Senator from New York proposes to give effect to a constitutional provision which is designed to prevent the negro forever from entering the State!

I should like to hear from the Senator from Massachusetts on this point. I believe he took particular pains a few years ago to arraign the State of Illinois for inserting a similar clause in her constitution.

Mr. SUMNER. Never.

Mr. DOUGLAS. Well, perhaps it was his predecessor, [Mr. Winthrop.] Upon reflection, I think it was. I recollect that it once became my duty to vindicate the right of my own State to insert such a clause in her constitution against the assaults of a Massachusetts senator. Had the present Senator been here at that time, and found it necessary to have spoken upon the subject, is it assuming too much to venture the opinion that he would have joined in that condemnation?

Mr. SUMNER. I should condemn it, certainly.

Mr. DOUGLAS. Then, will the Senator approve in the constitution of Kansas what he condemns in the constitution of Illinois? I would like to hear the Senator's response to this inquiry. If such a provision is wrong in Illinois, is it right in Kansas? Had not the democratic State of Illinois as good a right to adopt such a provision as the free-soil party of Kansas? Will the Senator from Massachusetts vote for the bill introduced by the Senator from New York to admit Kansas, at a time when she has not one-third of the requisite population, with such a constitution?

I do not wish to be misunderstood on this point. I object to the admission of Kansas at this time, and under existing circumstances, on entirely different grounds. I affirm the right of Illinois to put such a clause in her constitution. The people of Illinois had a right to do as they pleased on that subject. We tried slavery while a Territory, notwithstanding the ordinance of 1787, until we found that in our climate and with our productions it was not good for us to retain it, and for that reason we abolished and prohibited it. When we decided that Illinois should be a free State we also determined that it should be a white State. We did not believe in the equality of the negro with the white men, and hence were opposed to a mixture of the races. The constitution of Illinois was made by white men.—The same principle of State rights and State equality which authorized Illinois to abolish slavery secured to each other State the privilege of retaining it if it chose. The same

principle which authorized Illinois to exclude the free negro allows each other State to receive him if agreeable to her tastes and consistent with her interests. We are perfectly content with the practical operation of this great principle, which teaches the people of each separate community to mind their own business, and accord the same right to their neighbors. Hence I should have no controversy with the Senator from New York, or his political associates, in regard to this particular clause in the Kansas constitution, did not claim the right, and insist that it is their duty, to examine the provisions of the constitution of each State applying for admission, and then either to admit or reject the application, according as they may approve or disapprove the constitution. It is on this ground that they claim the right to enquire whether the constitution prohibits or protects slavery. And to vote for a free State against a Slave State.—It was on this ground that the Northern States voted against the admission of Missouri in 1821—one year after the adoption of the Missouri Compromise—because the constitution had a similar provision against free negroes to one in the Kansas constitution. Hence I desire to learn from the Senator from New York whether he and his sympathizing associates do really approve of a constitutional provision which shall deny to the negro forever, not merely the right to enjoy the same liberty accorded to the white man, but also the right to live and breathe within the limits of the proposed State of Kansas.

Mr. SEWARD. Will the honorable Senator allow me to answer now?

Mr. DOUGLAS. Yes, Sir.

Mr. SEWARD. I need hardly inform the honorable Senator that I do not approve of any such provision in any constitution in the world. I never did, and I never shall vote to approve or sanction in any constitution, or in any law, a provision which tends to keep any man being, any member of the human family to which I belong, in a condition of degradation below the position which I occupy myself except for his own fault or crime.

Mr. DOUGLAS. The Senator does not approve of this provision; and never can, for the reason that it does not put the negro on an equality with himself! Then, will he vote for admitting Kansas in this irregular manner, and without the requisite population, merely because her constitution has a provision which keeps slaves from going into the Territory, while in another clause "which tends to keep a man being a member of the human family to which he belongs—in a condition of degradation below the position which he occupies himself?" Yet, if he votes for his own bill to admit Kansas with the Topeka constitution, according to his own doctrine he does vote to sanction a provision to keep the negro out altogether; he will not allow a negro to come in condition either below him or above him!

Mr. SEWARD. You can take it either way, either above or below.

Mr. DOUGLAS. Yes: he will exclude the negro absolutely, if he is above or below him! He will insist upon having the negro upon a footing of entire and perfect equality with himself. Yet, if his bill passes, and Kansas is admitted with the constitution which has been formed and presented here, all negroes, both free and slave, are forever prohibited from entering the State of Kansas by the terms of the instrument. He cannot escape the responsibility of this result on the plea that he does not vote directly to endorse and sanction the constitution in all its parts; for his doctrine, and the doctrine of his party, is that they not only have the right; that it is their duty to examine the constitution in all its parts, and vote for it or against it, according as they approve or disapprove of its provisions, and especially those provisions which degrade the negro below the level of the white man. He must abandon all the principles to which his life has been devoted; he must abandon the creed of the party of which he is the acknowledged leader before he can vote for his own bill. The Black Republican party was organized and founded on the fundamental principle of perfect and entire equality of rights and privileges between the negro and the white man—an equality secured and guaranteed by a law higher than the constitution of the United States. In your creed as proclaimed to the world you stand pledged against "the admission of any more slave States!"

To repeal the fugitive slave law; To abolish the slave trade between the States; To prohibit slavery in the District of Columbia; To restore the prohibition on Kansas and Nebraska; and To acquire no more Territory unless slavery shall be first prohibited.

This is your creed, authoritatively proclaimed. I trust there is to be no evading or dodging the issues—no lowering of the flag. Let each party stand by its principles and the issues as you have presented them and we have accepted them. Let us have a fair, bold fight before the people, and then let the verdict be pronounced.

Mr. SEWARD. You will have it.

Mr. DOUGLAS. I rejoice in this assurance. I trust the Senator will be able to bring his troops up to the line, and to hold them there. I trust there is to be no lowering of the flag—no abandonment or change of the issues. There are rumors afloat that you are about to strike your colors, that you propose to surrender each one of these issues; not because you do not profess to be

right, but because you cannot succeed in the right; that you propose to throw overboard all the bold men who distinguished themselves in your service in fighting the anti-Nebraska fight, and to take a new man who, in consequence of not being committed to either side, will be enabled to cheat somebody by getting votes from both sides.—Rumor says that all your veteran generals who have received scars and wounds in the anti-Nebraska campaign are now considered unfit to command, and are to be laid aside in order to take up some new man who has not antagonized with the great principles of self-government and State equality.

Rumor says that in pursuance of this line of policy, you do not allow your committees in the House of Representatives to bring in bills to redeem your pledges and carry out your principles; that there is to be no bill passed in your fusion House to repeal the Kansas Nebraska act—none to repeal the fugitive slave law—none to abolish the slave trade between the States—none to abolish slavery in the District of Columbia—none to redeem any one of your pledges, or carry out any one of your principles, upon which you secured a majority in the House by a fusion with northern know-nothings. Rumor says that your committees were arranged with the view of keeping all these questions in the back ground until after the presidential election, in order that the agitation may be re-opened with better prospects of success when power shall have been obtained under the auspices of a new man who has not been crippled in the great battle.

Would it not be a curious spectacle to see this great anti-Nebraska or black republican party—which, less than eighteen months ago, proclaimed a war of extermination, in which no quarter was to be granted or received, and no prisoners to be taken—skirmishing to avoid a pitched battle, and get an opportunity to retreat from the face of those whom they determined to hang and burn and torture with all the refinements of cruelty which their vengeance could devise. Are the offices and patronage of government so much more important to you than your principles, that you feel it your duty to sacrifice your creed, and the then identified with it, in order to get power? Are you prepared to ignore the material points in issue, for fear that they will compromise you in the Presidential election?

Mr. WADE. We will whip you then.

Mr. DOUGLAS. That remains to be seen. We are prepared to give you a fair fight on the issues you have tendered and we accept. Let the Presidential contest be one of principle alone; let the principles involved be distinctly stated and boldly met, without any attempts at concealment or equivocation; let the result be a verdict of approval or disapproval so emphatic that it cannot be misunderstood. One year ago you promised us a fair fight in open field upon the principles of the Kansas-Nebraska act! You then unfurled your banner and bore it aloft in the hands of your own favorite and tried leaders, with your principles emblazoned upon it! Are you now preparing to lower your flag—to throw overboard all your tried men who have rendered service in your cause—and to issue a search warrant in hopes of finding a new man, who has not antagonized with any body, and whose principles are unknown, for the purpose of cheating somebody by getting votes from all sorts of men? Let us have an open and a fair fight. [Applause in the galleries.]

The CHAIR. The galleries will be cleared if these demonstrations are renewed.

Mr. DOUGLAS. I will not pursue the subject further.

POETICAL GEMS.—We find the following choice little scrap effort without pretense, and clip it for the benefit of our readers:

TWO BY TWO.
How beautiful they are, two shining stars together, gem by gem;
And beautiful are two entwining roses on a single stem.
Both stars alike in common give reflection from the sun;
The roses draw their means to live, as if they were but one.

More beautiful to me the light Of Love as, side by side;
A mutual love their source of light, One heart their common pride.

Pure silver coin can be sold very advantageously now at the Mint. Five franc pieces are worth 99 cents, Mexican dollars 106 cents, Spanish dollar 105 cents, American half dollars coined before 1853 are worth 52½ cents of our present silver coin. Between the Mint and the manufacturers of silver ware, who also pay a high premium for pieces, very few of the above mentioned pieces are left in circulation, though a few years since were quite plenty.

Julius, you say you have left Mr. Allen and gone to live with Mr. Green. How did you come to do that? 'He urged me.' 'Who urged you?' 'Mr. Allen.' 'How so?' 'With a kick.' 'I gave his wife a ass, and he kicked me off der stoop.'

The Hon. Robert B. Gilchrist, late Judge of the United States district court for South Carolina, died at his residence in Charleston, S. C., on the 1st inst.

Wisconsin is coming on rapidly in the way of railroads. There are now eleven different railway lines in the state, in all 635 miles in length. There are finished 431 miles and the remainder in process of construction.

What we learn in our infancy remains forever.

LAWS OF OHIO.

PUBLISHED BY AUTHORITY.

[No. 63.] AN ACT.

Supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

Section 1. Be it enacted by the General Assembly of the State of Ohio, That section thirty-six of the act to which this is supplementary, be amended so to read as follows: SECTION 36. Fines, penalties and forfeitures, which shall not exceed the sum of fifty dollars for any one special offense, or violation of the by-law, or ordinance, or double that sum for each repetition of such offense, or violation, or which shall not exceed ten dollars for each day when the thing prohibited or rendered unlawfully is in its nature continuous in respect to time, shall be deemed reasonable, but where in any by-law or ordinance, a greater fine, penalty or forfeiture, is imposed than as above specified, it shall be lawful in any suit or prosecution for the recovery thereof, to reduce the same to such amount as shall be deemed reasonable and proper, and to permit a recovery or tender judgment accordingly. In addition to the fines and penalties above specified, any municipal corporation may provide for a further penalty of imprisonment for any term not exceeding thirty days; and for keeping persons convicted at hard labor during their term of imprisonment, at such place or places, as may be determined by the city council; and cities of the second class shall have the same powers for the erection and maintenance of a city prison, and watch-houses as are in this act granted to cities of the first class, so far as the same may be applicable.

Section 2. That section sixty-seven of the act to which this is supplementary be amended so to read as follows: SECTION 67. Any member of the city council may be expelled or removed from office by a concurrent vote of two-thirds of all the members of the city council, and for the same cause; any officers or agents appointed by or under the authority of the city council, may be removed at the pleasure of the city council, by a concurrent vote of a majority thereof; any officers elected by the votes of the city, or of any ward or district may be removed from office by a concurrent vote of two-thirds of all the members of the city council; and in case of trustees or elective officers, no provision shall be made by ordinance for preferring charges and trying the same. To enable the council fully to investigate charges against the trustees or other officers, or such other matters as they may deem proper, the mayor or the police judge, at the request of the council, are hereby empowered to issue subpoenas and compulsory process, to compel the attendance of witnesses, and the production of books and papers, before council or any committee of the same. In all cases of vacancies in the city council, they shall be filled by a special election; and in case of any office of an elective officer, except the trustees of the wards, shall become vacant before the expiration of the regular term thereof, a vacancy shall be filled by the city council until a successor is elected and qualified, and such successor shall be elected for the unexpired term at the first annual city election, which occurs after the vacancy shall have happened.

Section 3. That section sixty-eight of the act to which this is supplementary, be amended so to read as follows: SECTION 68. The city council of cities of the second class have power to provide by ordinance for the summoning and empowering of jurors by the mayor of such cities; such jurors shall have the qualifications of jurors in the court of common pleas. Jurors and witnesses in all prosecutions before the mayor for violations of the city ordinances, shall receive the same fees that are allowed by law in civil actions, before justices of the peace; the fees of the mayor and marshals, in such cases shall be provided for by ordinance, all of which fees, in case of conviction, shall be taxed against the parties convicted; and in case of acquittal, shall be taxed against the city, and (except the fees of the mayor and marshals) paid out of the treasury, upon the certificate of the mayor. The mayor of cities of the second class shall have, within the limits of the same, all the jurisdiction and power of a justice of the peace, in all matters, civil and criminal, arising under the laws of this State, to all intents and purposes whatsoever; and for crimes and offenses, his jurisdiction shall be co-extensive with the county; he shall give bond and security, as is required by justices of the peace, to be approved by the city council; he shall have exclusive jurisdiction of all prosecutions for violation of the ordinances of the city, with power to hear and determine the same, when a case is not demanded in cases where it may properly be claimed; he may award and issue any writ or process that may be necessary to enforce the administration of right and justice throughout the city, and for the lawful exercise of his jurisdiction, according to the usage and principles of law; he shall, in the discharge of the duties of a justice of the peace, receive the fees and compensation allowed by law in such cases.

Section 4. That the original section thirty-six, sixty-seven and sixty-eight of the act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, be and the same are hereby repealed. Provided that all rights heretofore acquired under said repealed sections shall not be affected thereby; and that this act take effect from and after its passage.

N. H. VAN VORHES, Speaker of the House of Representatives. THOMAS H. FORD, President of the Senate.

April 6, 1856.

[No. 64.] AN ACT.

To prevent and punish fraudulent transactions in rates and weights and other abuses herein enumerated.

Section 1. Be it enacted by the General Assembly of the State of Ohio, That any person, agent, or clerk, who shall put up, or shall order or procure any other person to put up or pack sugar, rice, tobacco, soap, starch, candles, or any goods or articles sold by weight, and not subject to inspection by law, packed in kegs, barrels, tierces, casks, boxes, hogsheads, or any case whatever, shall, in every instance, first weigh the entire box or cask, or whatever it may be, and plainly cut or mark upon the head or most convenient part thereof, the exact number and fraction of pounds it weighs; and when packed or filled shall again ascertain the whole weight and place the same immediately above the cut or marked tare weight, and subtract the one from the other, showing the net weight of the contents, which

calculation shall not be obliterated while the bulk remains unbroken.

Section 2. Any brand, mark or stamp, put upon any keg, barrel, box, cask, hogshead or case by the manufacturer indicating the article, its quality, quantity, or the maker's name, or either of them, shall be considered the manufacturer's certified brand, stamp or mark, and shall be put thereon in such manner as to be identified by the manufacturer or his authorized agent, which shall be subject to no erasure or obliteration; neither shall box lids, keg, barrel, hogsheads, tierces or cask heads, be transferred from one to the other, for the purpose of taking the advantage of said brands, stamps or marks, to sell an inferior article, or repacking take place, putting an inferior article into superior branded keg, barrel, cask, hogshead, box or case, to accomplish the same design; or to mark or remark anything containing pound bulk, so as to hide from view the original manufacturer's mark, stamp or brand.

Section 3. Any person, directly or indirectly, transgressing any of the provisions herein enumerated, shall, on conviction thereof, in all cases pay to the party aggrieved double the value of the difference between the actual quantity contained in such keg, barrel, cask, tierce, box, hogshead, or in whatever the same may be contained, and the net quantity or weight for which the same may have been sold; and for the first offense, be subject to a fine not less than twenty nor more than sixty dollars, or imprisonment in the county jail not less than thirty nor more than sixty days; and for the second offense he shall be subject to a fine not less than fifty nor more than two hundred dollars, or imprisonment in the county jail not less than thirty nor more than ninety days, or both, at the discretion of the court; and for the third offense he shall be subject to a fine not less than two hundred nor more than five hundred dollars, or imprisonment in the county jail not less than ninety days nor more than six months. The offending parties, in every instance, to pay all expenses, prosecution, and costs of court; also all damages whatever sustained by the aggrieved parties, who shall prosecute for the same.

N. H. VAN VORHES, Speaker of the House of Representatives. THOMAS H. FORD, President of the Senate.

April 7th, 1856.

[No. 72.] AN ACT.

To provide for the registration of Births, Marriages and Deaths; in Ohio.

Section 1. Be it enacted by the General Assembly of the State of Ohio, That it shall be the duty of all clergymen, or other persons, who shall hereafter celebrate or perform the marriage ceremony within this State, to keep a registry of all marriages celebrated by them, showing the names, residences and place of birth of the persons married, whether they were single or widowed, the time of the marriage, and the names of their parents.

Section 2. It shall be the duty of all physicians, surgeons and midwives, to keep a registry of all the births and deaths at which they have professionally attended, showing, in case of birth, the name of the father and the maiden name of the mother, and their residence, the sex and color of the child, together with its name, if it shall receive one, and whether born alive or dead. Such registry shall show, in cases of death—the time, place and cause of death; the name, age, sex, color and condition (as to whether single or married, or widowed), the name and surname of the parents, the occupation, the residence, and place of birth of the deceased. When two or more physicians, surgeons, or midwives, have attended professionally at any birth or death, that physician, surgeon, or midwife, who is older in attendance, shall make the registry.

Section 3. It shall be the duty of the physicians, clergymen, surgeons and midwives above named, to deposit in the county clerk's office, of the various counties in which births, marriages and deaths occur, on or before the fifteenth day of March, in every year, a copy of said registry, embracing the period of one year, ending on the first day of March, last preceding the time of deposit; and the clerk shall deliver the same to the assessor of the several townships in each county, at the same time that the Auditor of the county delivers instructions and blanks to such assessor.

Section 4. It shall be the duty of the assessors, while making their lists of taxable property, to ascertain and record, in a list separate from the list of taxable property, all the births, marriages and deaths, which shall have occurred within their respective townships, in the twelve months ending on the first day of March, last preceding the time of assessment, with all the items of time, place, &c., hereinbefore directed, to be inserted in the registries, as provided in section one and two of this act. They shall make strict inquiry of all heads of families, and shall give the registries of clergymen, physicians, surgeons and midwives, herein before named in order to obtain correctly the information herein required. They shall return said lists of births, marriages and deaths, with the registries aforesaid, to the clerks of the court of common pleas, at the same time that they return their lists of taxable property. The clerks shall copy said lists in such form as the Secretary of State may direct, and transmit such copy to the Secretary of State, on or before the first day of June in each year. The clerks shall receive for their service such compensation as the county commissioners shall think just.

Section 5. It shall be the duty of the Secretary of State, from all the lists of births, marriages and deaths, so transmitted to him, to prepare tabular statements, showing in a condensed form, the information herein required to be preserved—keeping the statistics of each county separate, and to cause two thousand copies of the same to be printed in pamphlet form, on or before the first day of January in every year, of which copies, ten shall be transmitted to the clerk of each county for exchange and distribution, at his discretion, and the residue shall be disposed of as the general assembly shall from time to time direct; the county clerk in each and every county, shall preserve carefully, one copy in his office. The Secretary of State shall prepare and cause to be printed, suitable blanks and instructions for the use of assessors, clergymen, physicians, surgeons and midwives, which he shall transmit to the several county auditors, to be by them delivered to the assessors.

Section 6. To enable the assessors to obtain full and correct information touching the facts herein required to be ascertained, they shall have full power to swear, and interrogate any person, in their respec-

tive townships, for this purpose; and it shall be the duty of all such persons, when thereto required by the assessor, with, or without oath, to give him, truly and fully, all the information which he or she may possess touching said facts.

Section 7. The several county clerks shall forever carefully preserve the lists of births, marriages and deaths aforesaid, and the registries of clergymen, &c., herein required to be returned to them, for the use of the public, and which shall always be open to public inspection.

Section 8. The said list of births, marriages and deaths returned to the clerks of the county courts, by the assessors, as also the original tabular record herein required to be made by the clerk aforesaid, or a duly certified copy of any birth, marriage or death, from either of them, given and certified by the said clerks, shall hereafter be admitted and received in all courts in this State, as a prima facie evidence of any such birth, marriage or death, therein recorded or so certified.

Section 9. Any person failing, or refusing to discharge and perform, any of the acts or duties herein imposed and required to be done, shall, for every such failure, be fined a sum not less than five nor more than twenty dollars, to be recovered by action before any tribunal having jurisdiction thereof, or by indictment in the court of common pleas, for the use of schools, in the township in which the offense is committed.

N. H. VAN VORHES, Speaker of the House of Representatives. THOMAS H. FORD, President of the Senate.

April 8th, 1856.

[No. 77.] AN ACT.

Authorizing the sale of property for charges in certain cases.

Section 1. Be it enacted by the General Assembly of the State of Ohio, That all warehousemen, transportation companies, or railroad companies, shall, on the receipt of property in their warehouse, depot, station, or within thirty days thereafter, notify the owner, or owners by letter or otherwise, (provided such property is plainly marked with the owner's name and place of residence) that such property is held by them subject to charge.

Section 2. That if such owner, or owners shall neglect to call, pay charges and take their property away within six months from the time notice shall have been given as required in section one of this act, such warehousemen, transportation companies, or railroad companies, may sell the said property to the highest bidder at auction, by advertising the same thirty days in two of the papers published in the county of general circulation.

Section 3. That all moneys so received from the sale of such property, after deducting all charges and other expenses, shall be held by such warehousemen, transportation company, or railroad company, one year from the day of sale of such property, for the benefit and use of the owner or owners; and if not called for within that time, such warehousemen, transportation company, or railroad company, holding the same, shall pay, or cause it to be paid into the county treasury of the county in which the property was sold, within thirty days thereafter, and shall at the same time file with the county auditor a schedule of the property sold, giving in detail a description of each item of property, the name of the owner, the date of its receipt, the time and manner of notice to the owner, if known, the amount for which the same was sold, the name of the purchaser, and the amount of charge on each.

Section 4. If at any time within six months after the payment of said money into the treasury and the filing of said schedule in the office of county auditor, any claimant of any portion of said money shall prove his or her title to the same to the satisfaction of said auditor, by testimony to be reduced to writing and filed with said auditor it shall be the duty of said auditor to issue an order upon the county treasury for the payment of the amount of said claim as proven, and all moneys remaining unclaimed, shall, at the expiration of said period of six months be by said county auditor transferred to the common school fund of the county.

Section 5. This act to take effect from and after its passage.

N. H. VAN VORHES, Speaker of the House of Representatives. THOMAS H. FORD, President of the Senate.

April 8th, 1856.

[No. 85.] AN ACT.

Further defining the duties of County Treasurers.

Section 1. Be it enacted by the General Assembly of the State of Ohio, That the treasurer of each county in this State, which, according to the last Federal census had a population of less than one hundred thousand inhabitants shall retain in his hands for disbursement, as hereinafter provided, all the taxes he has collected, which shall have been levied for any purpose whatever within the township, in which by law the county treasury is located, whether for township purposes, school purposes, or the purposes of municipal corporations, also all funds of every kind which shall be paid into the county treasury, and are applicable to any such purpose within the limits of aforesaid township. Provided, That this section shall not apply to taxes levied for State purposes.

Section 2. The said taxes, thus retained by said county treasurer, shall be disbursed by him as follows: The taxes collected under the levy made by the township trustees, for all purposes, shall be paid out on the order of the said trustees, or any two of them. The taxes collected under the levy made by the council of any municipal corporation within said township, shall be paid out on order of such person or persons, as may be appointed by the council of said corporation.

The taxes collected under a levy made by the township board of education, organized under the act for the re-organization, supervision and maintenance of common schools, passed March 14, 1853 shall be paid out on the order of such person or persons as said board of education may prescribe.

The taxes collected under a levy made by a board of education, organized under the act for the support and better regulation of common schools in the town of Akron, passed February 8, 1847, and the acts amendatory thereof or under the act for the better regulation of common schools in towns and cities, &c., passed February 21, 1849, and the acts amendatory thereof, shall be paid out on the written order of the president of said board counter-signed by the secretary of the same.

[CONTINUED ON FOURTH PAGE.]